

# WEST VIRGINIA MUNICIPAL HOME RULE BOARD

## MEETING MINUTES

MONDAY, DECEMBER 1, 2014

A meeting of the West Virginia Municipal Home Rule Board was held at 9:00 a.m. on Monday, December 1, 2014, at the Robert H. Mollohan Research Center in Fairmont, West Virginia.

The following members were present:

Chris Fletcher, Member  
Joshua Jarrell (designee for Development Office Executive Director Keith Burdette)  
Brian Jones, Member  
Floyd (Kin) McKinley Sayre III, Member  
Patsy Trecost II (designee for the Honorable Earl Ray Tomblin)

The following members were absent:

Jim Morgan, Member  
Herb Snyder, Member

Others present:

Baldwin, Mark, City of Martinsburg  
Black, Steve, City of Vienna  
Blake, Andrew, City of Ranson  
Canterbury, Tom, City of Milton  
Casebolt, Dave, City of Nitro  
Conard, Charles, City of Milton  
Covell, Michael, City of Martinsburg  
Davis, Jim, The Exponent Telegram  
Delligatti, Catie, Bowles Rice LLP  
Dooley, Lisa, West Virginia Municipal League  
Flowers, Ashley, City of Parkersburg  
Fluty, Duane, City of Vienna  
Herron, Robert, City of Wheeling  
Hicks, Ian, The Intelligencer  
Karos, George, City of Martinsburg  
Mills, David, City of Charles Town  
Montgomery, John, City of Nitro  
Newell, Robert, City of Parkersburg  
Rapp, Randall, City of Vienna  
Roberts, Amy, City of Vienna  
Rockhold, John, City of Parkersburg  
Rogers, Jay, City of Fairmont  
Rush, Robert, City of Vienna

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Skogstad, Russ, City of Vienna  
Smith, Phyllis, City of Milton  
Thornton, Paul, City of Vienna  
Yeager, Rickie, City of Parkersburg

The meeting was called to order by Chair Trecost. It was reported that notice of the meeting was lawfully given, a quorum was present, and the meeting was convened.

A motion was made by Chris Fletcher to approve the minutes of the Monday, October 6, 2014, meeting. The motion was seconded by Brian Jones and unanimously approved.

#### Chair's Report

Chair Trecost welcomed guests, but did not have an official report.

#### Old Business

No old business was discussed.

#### New Business

The City of Martinsburg offered their proposed ordinances. The Board confirmed that the City of Martinsburg: 1) provided notice at least 30 days prior to their public hearing related to their 8 proposed ordinances by a Class II legal advertisement; 2) made the proposed ordinances available for public inspection at least 30 days prior to their public hearing; 3) held their public hearing; 4) provided comments offered during their public hearing to the Board; and, 5) furnished to the Board a letter from an attorney licensed to practice law in West Virginia certifying that the proposed ordinances comply with W. Va. Code § 8-1-5a. Additionally, the Board reiterated that the City must have at least two readings of their proposed ordinances. Lastly, the Board verified that the City is working closely and/or is in compliance with the West Virginia Tax Department concerning their procedures, such as the required 9 digit zip code data base and the necessary boundary map.

Following affirmation of the requirements outlined in W. Va. Code §8-1-5a (i), Chris Fletcher made a motion to approve the 8 ordinances under the Municipal Home Rule Program. The motion was seconded by Brian Jones and unanimously carried.

The Honorable George Karos thanked the Board for their dedication and stated that the home rule legislation was very important and would certainly help the City of Martinsburg.

It was noted by Chair Trecost that the City of Clarksburg's legal advertisement was not a Class II. Consequently, they have corrected that error and will hold their public hearing on January 5.

Next, the City of Ranson and the City of Charles Town jointly confirmed that they also had accomplished all of the aforementioned procedures. Subsequently, Kin Sayre moved that

the Board approve the five ordinances submitted by the City of Ranson in conformance with the requirements outlined in W. Va. Code § 8-1-5a (i). The motion was seconded by Joshua Jarrell and unanimously carried. In like manner, Kin Sayre made a motion that the Board approve the five ordinances submitted by the City of Charles Town in conformance with the requirements outlined in W. Va. Code § 8-1-5a (i). The motion was seconded by Brian Jones and unanimously carried.

The City of Nitro presented their ordinance and the Board verified that the City performed the above mentioned procedures. Then, Kin Sayre made a motion that the Board approve the submitted ordinance noting compliance with the requirements outlined in W. Va. § 8-1-5a (i). The motion was seconded by Joshua Jarrell and unanimously carried.

Similarly, the City of Parkersburg furnished their two ordinances and the Board confirmed that the City performed all of the aforesaid actions. Chris Fletcher moved that the Board approve the two ordinances submitted by the City in conformance with the requirements outlined in W. Va. Code § 8-1-5a (i). The motion was seconded by Joshua Jarrell and unanimously carried.

A motion was made to recess for lunch until 1 p.m. The motion was seconded and unanimously carried.

The Board reconvened at 1 p.m.

The City of Milton presented their two ordinances and the Board verified that the City performed the aforementioned procedures. Member Kin Sayre made a motion that the Board approve the submitted ordinances, which were compliant with the requirements outlined in W. Va. Code § 8-1-5a (i). The motion was seconded by Brian Jones and unanimously carried.

Next, officials from the City of Vienna furnished their Municipal Home Rule ordinance encompassing all six of the proposals included in their existing, approved plan. Board members verified that the City met the above mentioned criteria. Member Kin Sayre made a motion that the Board approved the submitted ordinance noting compliance with the requirements outlined in W. Va. Code § 8-1-5a (i). The motion was seconded by Joshua Jarrell and unanimously carried.

Based on their existing, approved plan, the City of Wheeling also followed the aforementioned procedures and requested approval from the Board to amend its sales, service and use tax ordinance, originally approved by the Board in May 2013, to increase the tax rate to one percent and to dedicate the revenue from the additional one-half percent to assist in funding its underfunded police and fire pension plan liabilities.

Board Member Chris Fletcher verified a reduction in Business and Occupation (B&O) taxes (entertainment). Subsequently, Kin Sayre made a motion that the Board approve the amended ordinance, which is compliant with the requirements outlined in W. Va. Code § 8-1-5a (i). The motion was seconded and unanimously carried.

A motion was made by Chris Fletcher thanking Debbie Browning for her assistance in administering Phase I and Phase II of the home rule program. The motion was seconded and unanimously carried.

### Adjournment

Members decided to hold their next meeting on Tuesday, January 6, 2015, via teleconference in Charleston at the State Capitol. Furthermore, the Board adopted a schedule of quarterly meetings in 2015 that will be posted to the website. With no further business, a motion was made to adjourn the meeting. The motion was seconded and the meeting was adjourned at 1:30 p.m.